



US Army Corps
of Engineers
Memphis District

Public Notice

REPLY TO ATTN: Roger Allan
U.S. Army Corps of Engineers
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
Telephone: (901) 544-3682
Fax: (901) 544-0211
Email: Roger.S.Allan@usace.army.mil
POSTMASTER PLEASE POST UNTIL:

PUBLIC NOTICE NO:
MVM-2006-10-RSA

PUBLIC NOTICE DATE:
March 14, 2006

EXPIRATION DATE:
April 12, 2006

Public Notice Corps of Engineers

AUTHORITY: Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899.

APPLICANT:	Memphis Refinery	Ensaf, Inc.
	Attn: Doris Boyd	Attn: Ms. Helen Brady
	543 West Mallory Avenue	5724 Summer Trees Drive
	Memphis, Tennessee 38109	Memphis, Tennessee 38134

LOCATION: The proposed project area is located at the Memphis Refinery docks at approximate river mile 6.5 in McKellar Lake, Memphis, Shelby County, Tennessee. The approximate latitude and longitude of the project area are 35.0868° and -90.0869°, respectively. The project area is on the Southwest Memphis, TN - AR, USGS topographic quadrangle and is shown on the attached location map (Attachment 1).

PURPOSE: The project purpose is to conduct maintenance dredging to allow barge access and loading at the Memphis Refinery docks.

DESCRIPTION OF WORK: The proposed project entails maintenance dredging (either hydraulic or mechanical) at the Memphis Refinery docks in McKellar Lake (see attachment 2). Approximately 30,000 – 50,000 cubic yards of accumulated sediment would be removed from an area approximately 950 ft long X 300 ft wide; although dredge cuts are often imprecise, material will be removed to a depth of approximately 16 to 17 feet below zero on the Memphis river gauge. The applicant has proposed to discharge dredged material onto an existing approved disposal site. If a hydraulic dredge is used, material will be disposed via a floating pipeline to the Treasure Island site (shown on attachment 1). If a mechanical dredge is used, material would be transported to the disposal sites on the south bank of McKellar Lake west of the Tennessee Valley Authority's Plant Road location via barges (shown on attachment 3).

The applicant has requested authorization to conduct maintenance dredging. If a permit is issued, maintenance dredging could be repeated as necessary for the life of the permit (10 years).

The discharge of return water into McKellar Lake (administratively defined as a discharge of dredged material by CFR 323.2(d) and therefore regulated under Section 404 of the Clean Water Act) meets the requirements of Nationwide Permit 16 (*Return Water From Upland Contained Disposal Areas*), pursuant to Federal Register, Volume 67, Number 10, dated January 15, 2002.

ENDANGERED SPECIES: No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

CULTURAL RESOURCES: The Memphis District will evaluate information provided by the State Historic Preservation Office, Federally-recognized Tribes, and the public in response to this public notice and we may conduct, or require a survey of the project area. A preliminary search of in-house records indicated that no sites have been recorded within the project area. However, the lack of recorded sites may be due to lack of cultural surveys around the project area.

FLOOD PLAIN: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and apprise this office of any flood plain development permit requirements.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the project, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Federally-recognized Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

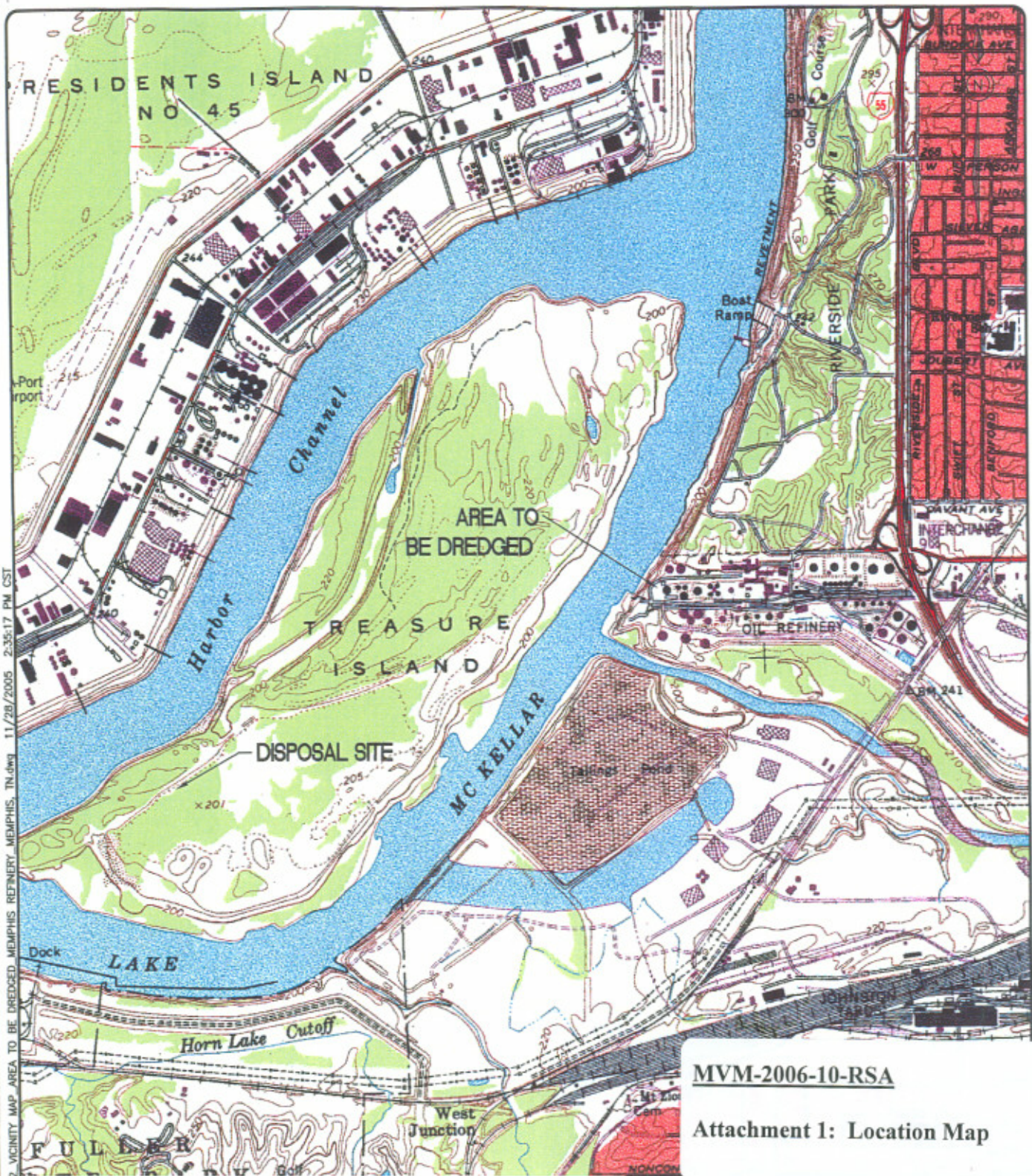
COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: If you wish to obtain additional information or to submit comments on the application, please contact Roger Allan at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-3682. The Corps may provide copies of all comments, including the names and address of commenters, to the applicant for consideration and response prior to a decision.

Comments should be received by April 12, 2006.



Larry D. Watson
Chief
Regulatory Branch

Attachments



MVM-2006-10-RSA

Attachment 1: Location Map

FIGURE 1
VICINITY MAP
MEMPHIS REFINERY MAINTENANCE DREDGING
MEMPHIS, TN

MAP SOURCE:
U.S.G.S. 7.5 MINUTE QUADRANGLE
SOUTHWEST MEMPHIS, TN-ARK 1965 - PHOTO-REVISED 1993

REQUESTED BY: H.BRADY
DRAWN BY: BRONSON
DWG DATE: 11/28/05
DWG NO: 801626B002

ENSAFÉ
(800) 588-7962
MEMPHIS, TENNESSEE

C:\draw\801626B002 VICINITY MAP AREA TO BE DREDGED MEMPHIS REFINERY MEMPHIS, TN.dwg 11/28/2005 2:35:17 PM CST



MVM-2006-10-RSA

**Attachment 2: Location Map
(Western Dredge Disposal Areas)**

FLETCHER LAKE, ARK.-TENN.

1966

REVISED 1993

DMA 2954 II SW-SERIES V841



QUADRANGLE LOCATION

MVM-2006-10-RSA

Attachment 3: Site Plan

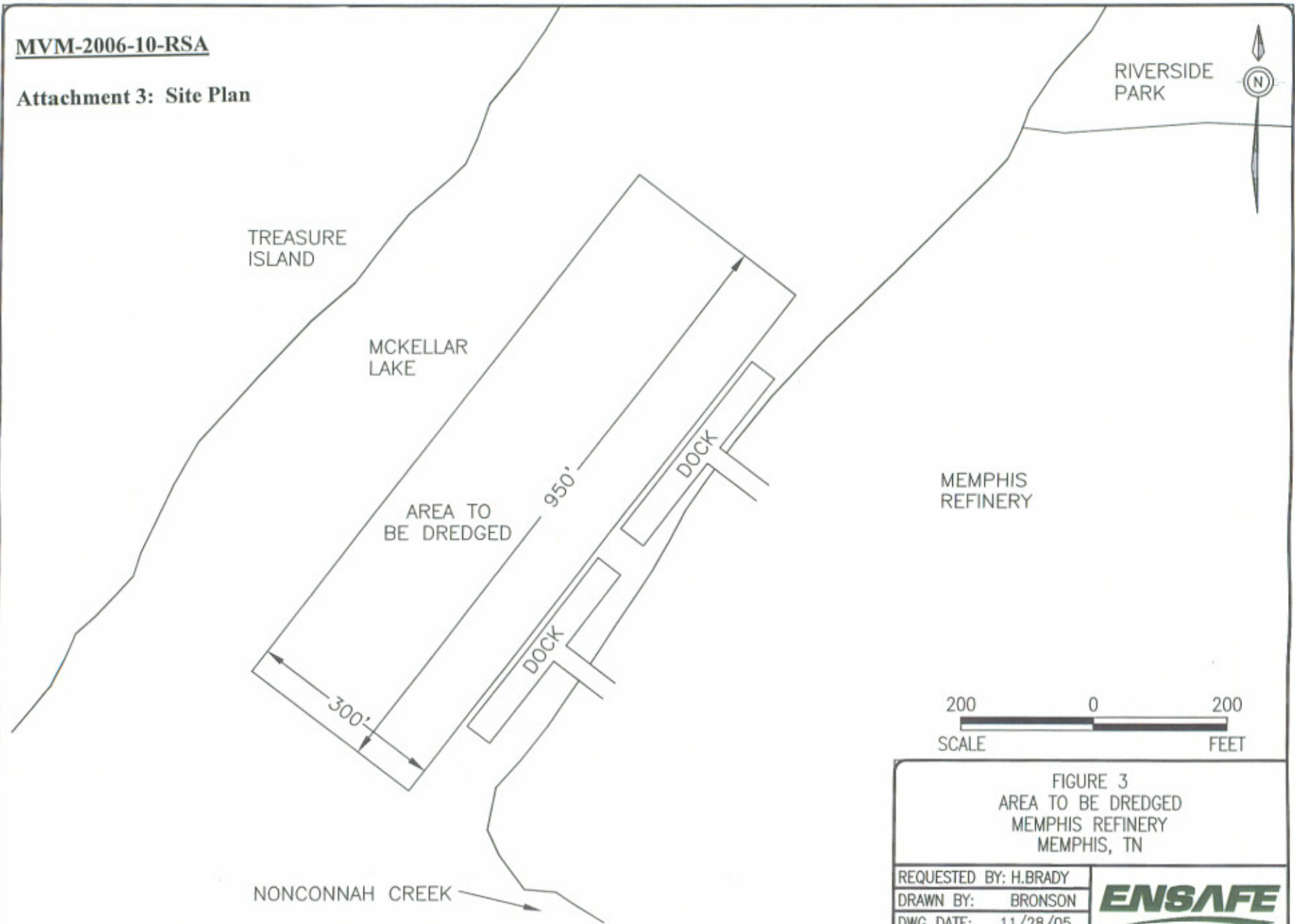


FIGURE 3
AREA TO BE DREDGED
MEMPHIS REFINERY
MEMPHIS, TN

REQUESTED BY: H.BRADY
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